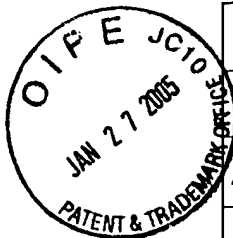
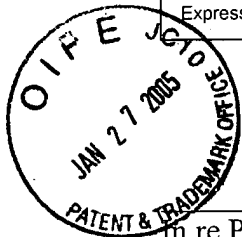


01-31-05

PK 1642/B
JW

AMENDMENT TRANSMITTAL LETTER				Docket No. 05986/1001147-US1	
Application No. 10/057,832-Conf. #1642		Filing Date January 25, 2002		Examiner S. N. Ungar	
Art Unit 1642					
Applicant(s): Max Acosta et al.					
Invention: USE OF CAP43 PROTEIN AS A MARKER OF CANCER					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	26	- 102 =		x	
Independent Claims	4	- 15 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00
<input type="checkbox"/> Large Entity <input checked="" type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-0100</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<u>Samuel S. Woodley</u> Samuel S. Woodley, Ph.D. Attorney Reg. No.: 43,287				Dated: <u>January 27, 2005</u>	
DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7770					
Express Mail Label No. _____ Dated: _____					



Express Mail Label No. _____

Dated: _____

Docket No.: 05986/100I147-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Max Costa et al.

Application No.: 10/057,832

Art Unit: 1642

Filed: January 25, 2002

Examiner: Susan Nmn Ungar

For: METHODS AND COMPOSITIONS USING
CAP43 PROTEINS AND NUCLEIC ACIDS TO
DIAGNOSE AND TREAT CANCER AND
OTHER DISORDERS

**RESPONSE TO OFFICE ACTION AND
AMENDMENT UNDER 37 C.F.R. § 1.116**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 28, 2004 and in accordance with Rule 116 of the Rules of Practice, please enter the following amendments and consider the accompanying remarks. A Petition to Amend Inventorship of this application is also submitted herewith, pursuant to the requirements of 37 C.F.R. § 1.48(a) and accompanied by: (1) a statement by Hakan Cangul, the person being added as a co-inventor; (2) a Declaration and Power of Attorney signed by each of the inventors Max Costa, Konstantin Salnikow, Herman Yee and Hakan Cangul; a check in payment of the estimated processing fee; and (4) a written statement of an authorized officer for New York University, the assignee of this application, consenting to the change of inventorship.

It is believed that no additional fees are required for these submissions. However, should the U.S. Patent and Trademark Office determine that the payment of any additional fee is required or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) due to our Deposit Account No. 04-0100.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.